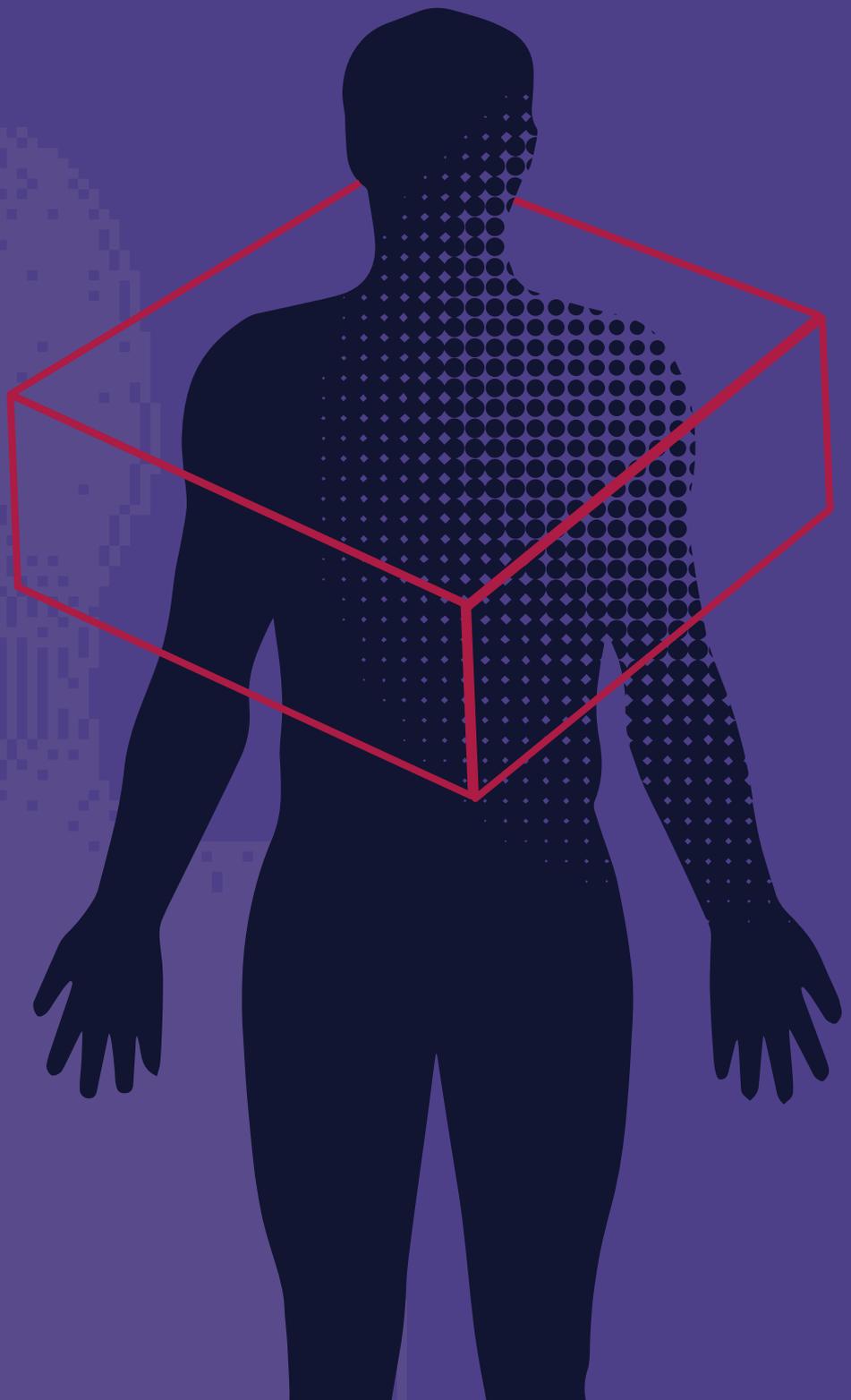


# CHAPTER 5

# CRIMINAL JUSTICE SYSTEM RESPONSE



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# CRIMINAL JUSTICE SYSTEM RESPONSE

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### Introduction

To assess the effectiveness of the state response to violence, it is important to understand how many suspects are arrested, prosecuted, convicted and detained for intentional homicide. To shed light on this process, this chapter provides an overview of the latest trends in the number of people at different stages of the criminal justice process in relation to intentional homicide, from those brought into formal contact with the police for intentional homicide to those prosecuted, convicted and detained for the crime. In addition to the human resources allocated to the criminal justice system, the chapter also discusses the impact of the COVID-19 pandemic, which seems to have primarily impacted homicide convictions.

There is always a form of attrition when a crime passes through the criminal justice system as the number of people and cases decreases at each stage of the process. When moving from one stage to another, some cases and suspects are not pursued for different reasons, such as a lack of physical evidence or witnesses, which may make it impossible to identify a suspect for a given crime and proceed with a prosecution.

Measuring the number of people at each stage of the criminal justice system is challenging since it requires data from multiple agencies, including law enforcement, prosecution and courts. Ideally, case records should be linked throughout the criminal justice system, but this is not always possible or permitted. As a result, there may be discrepancies between the different institutions, leading to statistical gaps. For example, a crime classified as involuntary manslaughter by a law enforcement agency may be reclassified as murder by the public prosecutor's

office. Moreover, someone arrested in one year may be prosecuted in the following year and convicted a year later, or sometimes many years later, making the accurate measurement of the percentage of suspects found guilty a challenge. Finally, recording practices may differ between institutions, some recording and reporting an event when an investigation starts and others when it ends.

Despite these challenges, information about the number of individuals arrested, prosecuted and eventually convicted for homicide compared with the number of victims can provide valuable insights into the capacity of the criminal justice system to respond to the crime and the resources required to handle homicide cases. For example, if there is a high attrition rate at the prosecution stage, meaning that many cases do not make it to prosecution, it may indicate that prosecutors need greater resources or training if they are to build strong cases.

Homicides that do not lead to the arrest of a suspect, a prosecution or a conviction increase impunity, which may be a symptom of a weak rule of law. However, a high level of impunity may also be attributed to the predominant type of homicide in a country, with homicides linked to organized crime or other crimes being more difficult to solve than other types. Impunity may also be the result of high crime rates overstressing the capacities of law enforcement agencies and other institutions within the criminal justice system, making it challenging to investigate and process homicides effectively.

Although regional and global averages mask striking differences between countries, countries in the Americas generally have a lower percentage of homicides that lead to the identification and prosecution of a suspect

and the conviction of the perpetrator than countries in other regions. Many factors could explain this, one being the high homicide rate in the Americas, which stretches the capacity of the criminal justice system to investigate and prosecute homicides. Another is the large share of intentional homicides committed by gangs and organized crime groups, which is characteristic of the Americas. Such homicides are difficult to investigate, whereas most homicides in other regions tend to be interpersonal homicides, making it easier to identify a suspect and collect evidence than if they were crime related. In countries where organized crime is widespread, police corruption and political interference may hamper prosecution and sentencing, which may lead to a decrease in the number of successful investigations and prosecutions related to organized crime.<sup>1</sup>

Furthermore, discrepancies in the average number of victims per homicidal offence across regions may account for regional disparities in the number of prosecutions and convictions. For example, homicidal offences perpetrated with a firearm have been found to be more likely to involve multiple victims in domestic settings than those involving other mechanisms (with a single perpetrator),<sup>2</sup> but the available data do not allow the impact of this variability to be assessed. Such disparities may indicate varying approaches in the investigation, prosecution and conviction processes of homicide in different countries.

## Suspects brought into formal contact with the police for intentional homicide

### Type of homicide

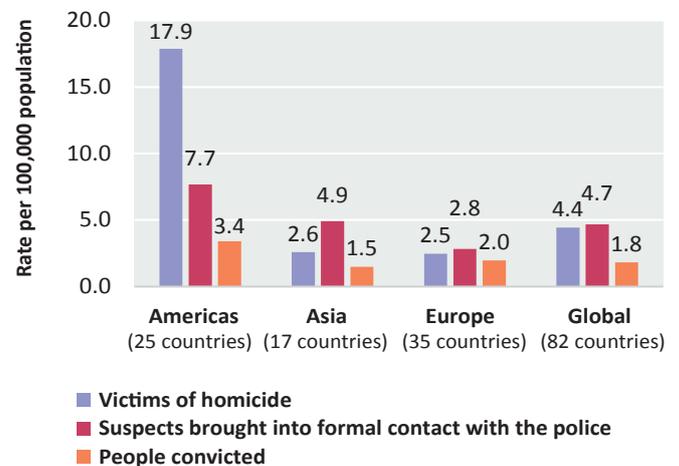
Unlike other crimes, which may often go undetected, the vast majority of homicides come to the attention of police forces. Nonetheless, the severity of homicide does not mean that suspects are identified in all cases. Studies have shown that different factors impact the homicide clearance rate, meaning the percentage of homicide offences for which law enforcement successfully identifies a suspect.<sup>3</sup> An analysis of the homicide clearance rate in Boston, United States of America, for example, suggested that gang- and drug-related homicides are less likely to be cleared than other homicides.<sup>4</sup> A study on homicide clearance rates in four European countries, Finland, the Kingdom of the Netherlands, Sweden and Switzerland, found that homicides perpetrated in a public setting were significantly more difficult to clear than those perpetrated in a private setting, except in Switzerland, where due to the very small proportion of unresolved cases, the difference remained insignificant.<sup>5</sup> The same study also showed that the clearance rate for homicides committed in a criminal milieu and in the context of robbery in the Kingdom of the Netherlands and Sweden was lower than for other types of homicide.

Another study of homicide clearance in Italy found that the sex of the victim was the only victim characteristic to affect homicide clearance, unlike other factors such as the nationality, socioeconomic status and previous criminal record of the victim. The study also found that the police were more effective at solving homicides with a female victim and that homicides that took place in a criminal environment had a lower clearance rate.<sup>6</sup>

## Region

When comparing the homicide rate with the rate of suspects brought into formal contact with the police for homicide, global data show different regional patterns (figure 1). In Asia and Europe, the number of suspects brought into formal contact with the police for intentional homicide exceeded the number of victims, suggesting that in many cases more people were suspected, arrested or cautioned than there were victims. In 2021, 19 suspects were brought into formal contact with the police for every 10 homicide victims in Asia, while the ratio was 11 to 10 in Europe.<sup>7</sup> In the Americas, the region with the highest homicide rate worldwide, only slightly more than 4 suspects were brought into formal contact with the police for every 10 homicide victims. However, since some homicide investigations are not successful and do not lead to the identification of a suspect, the number of suspects per successful homicide investigation could be even higher. Comparisons of these ratios should be made with caution, however, since criminal codes do not tend to distinguish between attempted and committed homicides, and it is possible that some of the convictions reported by countries include people convicted for attempted homicide.

**FIG. 1** Rates of homicide, suspects brought into formal contact with the police and people convicted of homicide per 100,000 population, selected regions, 2021 or latest year available



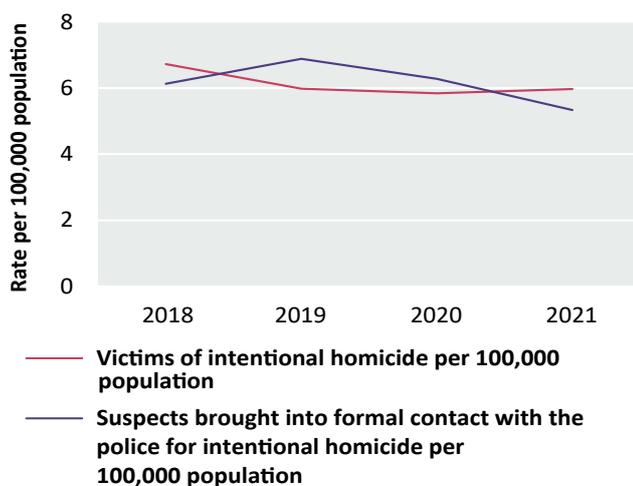
Source: UNODC homicide statistics.

Note: Average of countries with data weighted by population. Global figure is an aggregate of all countries with data, including three countries in Africa and two in Oceania.

Data from 82 countries for 2021 or the latest year available, show that for every 10 homicide victims globally, four suspects are convicted of homicide, although there are also notable differences between regions. For every 10 homicide victims, 8 suspects are convicted in Europe, around 6 are convicted in Asia, while fewer than 2 are convicted for every 10 homicide victims in the Americas. These regional patterns are not new and have not changed dramatically since 2016,<sup>8</sup> suggesting that impunity for homicide is higher in the Americas overall than in the other two regions. Although this comparison gives an overall picture of the attrition rate in the criminal justice system in different regions, it may hide differences across countries.<sup>9</sup>

Similar to the number of victims of intentional homicide, the number of homicide suspects brought into formal contact with the police is relatively stable over time. Data from 51 selected countries for the period 2018–2021 show no apparent impact of the COVID-19 pandemic in 2020 on the average number of suspects brought into formal contact with the police (figure 2). Although the average rate of suspects brought into formal contact with the police for homicide in the 51 countries was lower in 2020 than in 2019, it was still slightly higher than in 2018. This was in contrast to trafficking in persons offences, for which the number of suspects brought into formal contact decreased markedly in 2020.<sup>10</sup> Nevertheless, the average rate of suspects brought into formal contact with the police for intentional homicide in the 51 countries decreased from 6.3 per 100,000 population in 2020 to 5.3 in 2021 (figure 2), mostly driven by countries of the Americas.

**FIG. 2** Average rates of homicide and suspects brought into formal contact with the police per 100,000 population in selected 51 countries, 2018–2021



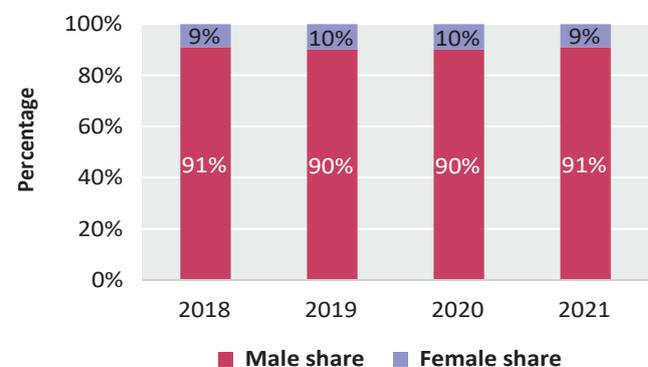
Source: UNODC homicide statistics.

*Note: Based on complete time series data from 51 countries for the period 2018–2021, including 27 in Europe, 15 in the Americas, 7 in Asia, 1 in Africa and 1 in Oceania. Simple averages of countries with data. The rates are slightly different from the previous graph as the sample and weighting of countries is different.*

## Sex of suspects

Men and boys account for the vast majority of both the victims and perpetrators of intentional homicide worldwide. As seen in chapter 2 of the present study, 81 per cent of the victims of intentional homicide worldwide in 2021 were men and boys. Similarly, roughly 9 out of 10 suspects brought into formal contact with the police for intentional homicides in 2021 were male. This share has remained stable over time, as shown by data from 50 countries on offenders disaggregated by sex for the period 2018–2021 (figure 3).

**FIG. 3** Share of male and female suspects brought into formal contact with the police for intentional homicide in 50 countries, 2018–2021



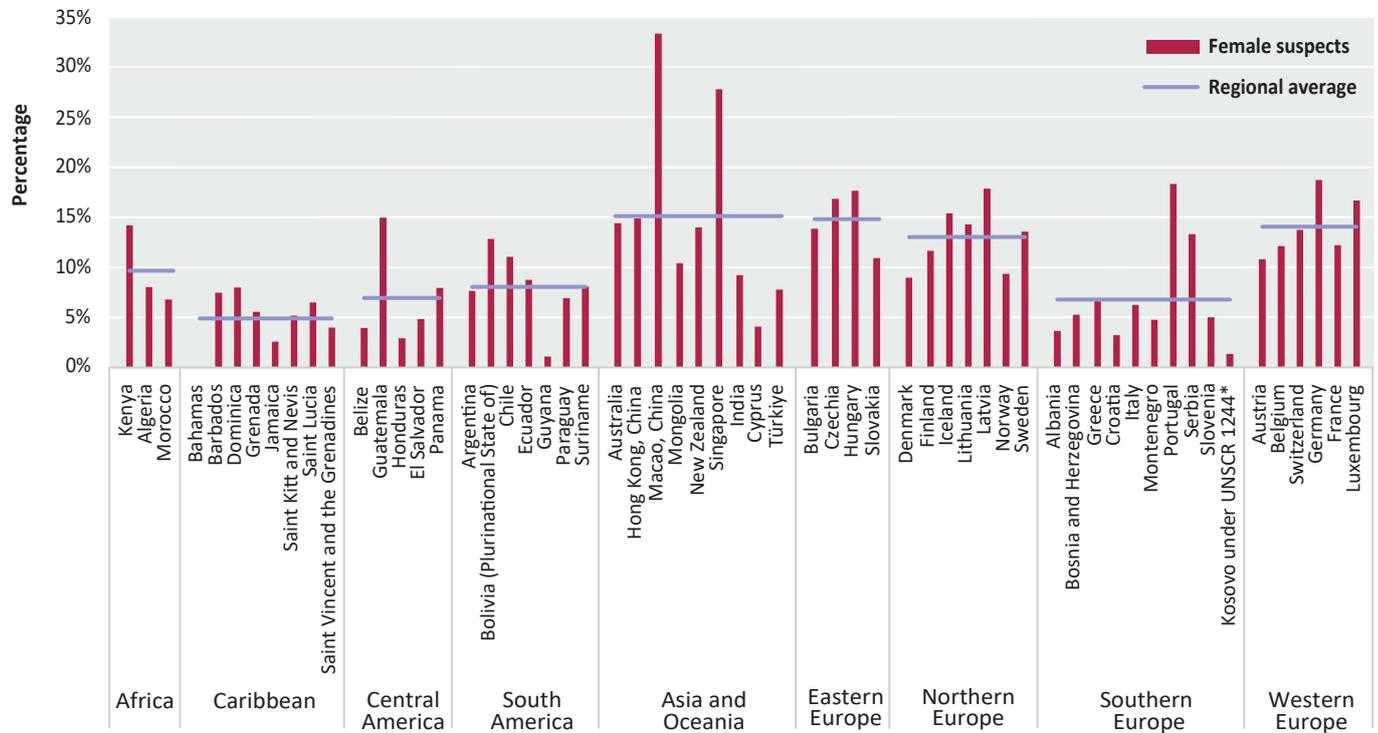
Source: UNODC homicide statistics.

*Note: Based on complete time series data from 50 countries for the period 2018–2021, including 26 in Europe, 16 in the Americas, 6 in Asia, 1 in Africa and 1 in Oceania.*

Although women account for a clear minority of homicide suspects across the world, there are some noteworthy differences between regions and subregions. Countries in Central America and the Caribbean, which have a high level of homicidal violence caused by organized criminal groups, gangs or other criminal activities, have small shares of female homicide suspects. For example, in eight countries in the Caribbean with data for 2020 and 2021, an average of 5 per cent of homicide suspects were women, with the smallest share being in the Bahamas, where all 148 suspects brought into formal contact with the police for intentional homicide were male. In Central America, the average female share was even smaller than in the Caribbean, at 7 per cent. By contrast, in countries with data in Asia, Oceania and Eastern Europe, an average of 15 per cent of homicide suspects were women in 2020 and 2021. In Singapore, more than 1 in 4 homicide suspects brought into formal contact with the police were women and in Hungary, women accounted for almost 1 in 5.

Interestingly, in countries in Southern Europe, although levels of homicidal violence are similar to those in other European countries, the share of female suspects in 2020 and 2021 was much smaller, at 7 per cent, in countries where data were available, as opposed to an average of between 13 and 15 per cent in the other subregions of Europe (see figure 4).

**FIG. 4** Share of female suspects brought into formal contact with the police for intentional homicide in selected regions, 2020–2021



Source: UNODC homicide statistics.

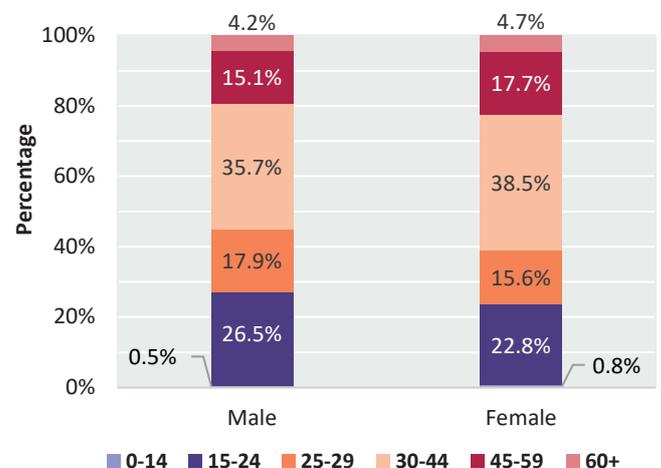
Note: Based on data from 59 countries for the years 2020–2021. Regional average refers to the average of countries with data weighted by the number of suspects. \* All references to Kosovo in the present study should be understood to be in compliance with Security Council resolution 1244.

### Age of suspects

In general, people brought into formal contact with the criminal justice system for intentional homicide are young. In 68 countries with data for 2021 or recent years, including 30 in Europe, roughly 44 per cent of suspects brought into formal contact for homicide were aged 15 to 29 – an age group making up 23 per cent of the global population – while only a very small minority were aged 60 or older. The average age of male and female homicide suspects brought into formal contact with the criminal justice system for intentional homicide was very similar, although female suspects tended to be slightly older than male suspects, with a larger percentage of them aged 30 or older.

A comparison of the Americas and Europe, the two regions with a sufficient number of countries with data, shows notable differences between the age of homicide suspects (figure 6). In 2021, although homicide offenders in Europe were older than in the Americas, in both regions there was a disproportionate share of offenders aged 15–29. This can be partially explained by the different age structure of the two regions, with countries having much younger populations in the Americas than in Europe. In 2021, 23 per cent of the population was aged 15–29 in the Americas compared with 16 per cent in Europe.<sup>11</sup>

**FIG. 5** Shares of male and female homicide suspects brought into formal contact with the criminal justice system for intentional homicide in 68 countries, by age, 2021 or latest year since 2017

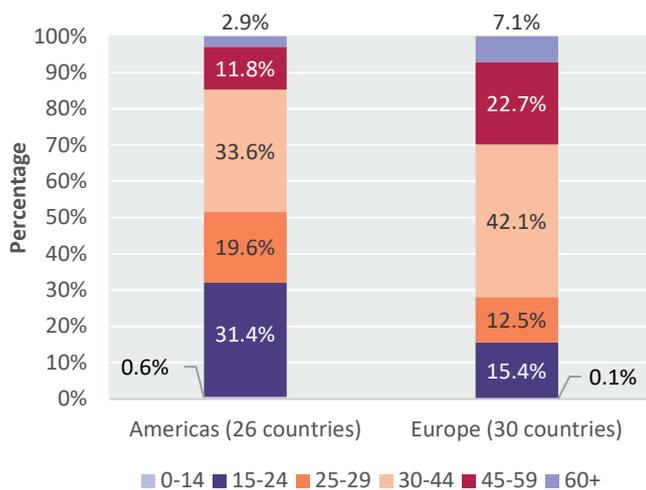


Source: UNODC homicide statistics.

Note: Average of countries with data weighted by the number of suspects by sex. Africa (2 countries), Americas (26 countries), Asia (9 countries), Europe (30 countries), Oceania (1 country).

Furthermore, the large share of organized crime- and gang-related homicides in the Americas may also contribute to lowering the region's average age of homicide suspects brought into formal contact with the criminal justice system for intentional homicide. This is because, although the leadership of organized criminal organizations may be older, the rank and file of drug trafficking factions, militia groups, street gangs and other criminal entities is typically made up of young men.<sup>12</sup> Indeed, in the 26 countries in the Americas with data, young males aged 15–29 accounted for some 47 per cent of suspects brought into formal contact with the criminal justice system for intentional homicide in 2021, yet for just 12 per cent of the total population of the Americas.<sup>13</sup>

**FIG. 6** Shares of suspects brought into formal contact with the criminal justice system for intentional homicide in the Americas and Europe, by age, 2021 or latest year since 2017



Source: UNODC homicide statistics.

Note: Average of countries with data weighted by the number of suspects.

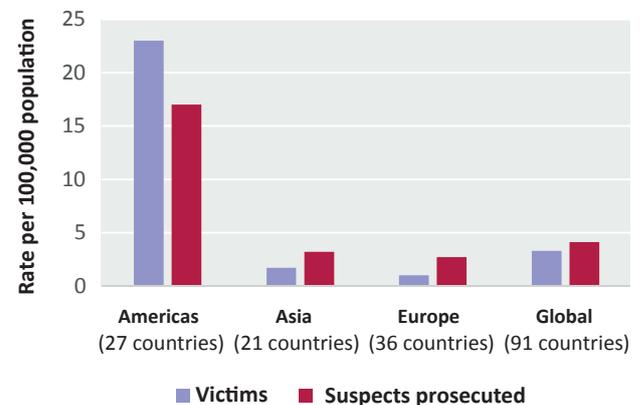
## Homicide prosecutions

Following the identification and arrest of a homicide suspect, a case is forwarded to the public prosecutor, who decides whether to press charges. Just as more than one person can be charged for the same offence, one person can be charged for more than one offence. Indeed, in the 91 countries with data on suspects prosecuted in 2021 or a recent year, 4.1 per 100,000 population were prosecuted for intentional homicide for every 3.3 victims. It is possible, however, that data on homicide prosecutions reported by some of those countries included prosecutions for attempted intentional homicide, since this offence may not be distinguishable from intentional homicide in their criminal code.

Notable differences can be observed at the regional level. In the 27 countries in the Americas with data, where there

is a high level of homicidal violence, for every 4 homicide victims, 3 suspects were prosecuted. At the opposite end of the spectrum, in the 36 countries in Europe with data, where there are far fewer homicide victims per capita, for every 4 victims, 11 suspects were prosecuted, and for every 4 victims in Asia, almost 8 suspects were prosecuted. The smaller number of suspects prosecuted per victim in the Americas could stem from the fact that the most prominent type of homicide in the region is largely related to organized crime and other criminal activities and thus difficult to investigate.<sup>14</sup> By contrast, homicides in other regions tend mostly to be interpersonal, for which it is easier to identify a suspect and collect evidence.<sup>15</sup>

**FIG. 7** Rates of homicide and suspects prosecuted for intentional homicide per 100,000 population in selected regions, 2021 or latest year available

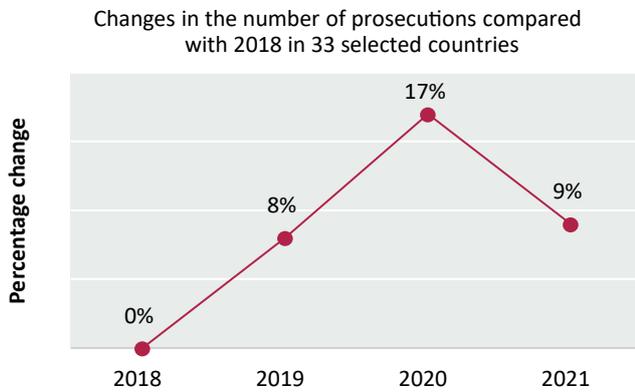


Source: UNODC homicide statistics.

Note: Average of countries with data weighted by population. The global figure includes five countries from Africa and two from Oceania. The difference from figure 1 in the rate of victims per 100,000 population is due to the sample of countries included in this figure.

The evolution of trends between 2018 and 2021 shows that the number of people prosecuted for intentional homicide remains relatively stable over time. Based on limited data from 33 countries, two thirds of them in Europe, the number of suspects prosecuted for intentional homicide did not seem to decrease during the COVID-19 pandemic. On average, the number of such prosecutions in this limited sample of countries actually increased by 17 per cent from 2018 to 2020, before decreasing slightly in 2021 (figure 8). Although large changes from one year to the next are mostly visible in countries with few intentional homicides, one notable exception is El Salvador, which recorded a decrease of 57 per cent in prosecutions for intentional homicide from 2018 to 2021, possibly stemming from the decrease in the number of homicide victims over the same period.<sup>16</sup> The state of emergency introduced by the Salvadoran Legislative Assembly in March 2022 to fight the gangs MS-13 and Barrio 18 may further impact prosecutions for homicide in the country.<sup>17</sup>

**FIG. 8** Average change in the number of prosecutions in 33 selected countries, 2018–2021



Source: UNODC homicide statistics.

Note: Based on data from 33 countries for the period 2018–2021. Africa (1 country), Americas (4 countries), Asia (5 countries), Europe (22 countries), Oceania (1 country). Simple average of countries with data.

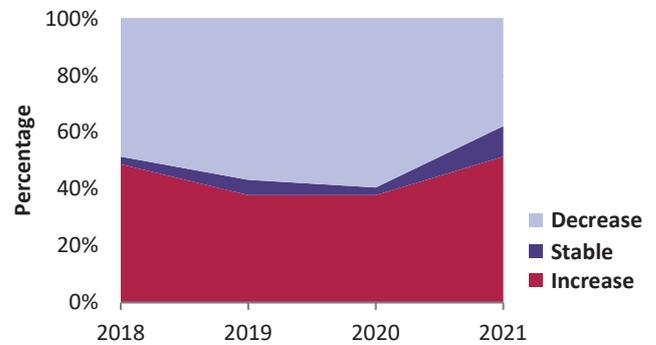
## Homicide convictions

If the public prosecutor decides to press charges, suspects are brought before a court where a judge or jury will decide whether they are guilty or not guilty. As shown above, when comparing the homicide rate, suspects brought into formal contact with the police for homicide and those convicted in different regions in 2021 or the latest year available (figure 1), the number of suspects convicted of intentional homicide is not necessarily proportional to the number of victims, highlighting the varying levels of impunity across regions. Indeed, in 17 Asian countries with data, 3 out of 10 suspects brought into formal contact with the police for intentional homicide were convicted in 2021, in 35 European countries with data, the figure was 7 out of 10, and in 25 American countries with data, it was slightly more than 4 out of 10.<sup>18</sup>

The number of convictions, like the number of prosecutions, varies from one year to the next, especially in countries with few homicides. Unlike in the case of prosecutions, however, the majority of countries with data (primarily in Europe) for the years 2017–2021 reported decreases in the number of convictions for intentional homicide in 2019 and 2020 and an increasing or stable number of convictions in 2021 (figure 9).

A decrease in the number of convictions can also be seen in the case of other crimes. A comparison of the number of convictions for intentional homicide with convictions for rape and drug trafficking in a small group of countries with available data shows that the number of convictions for all three offences was smaller in 2021 than in 2018 (figure 10). Specifically, despite a slight increase in 2021, there was an average of 20 per cent fewer convictions for intentional homicide in countries with data than in 2018.

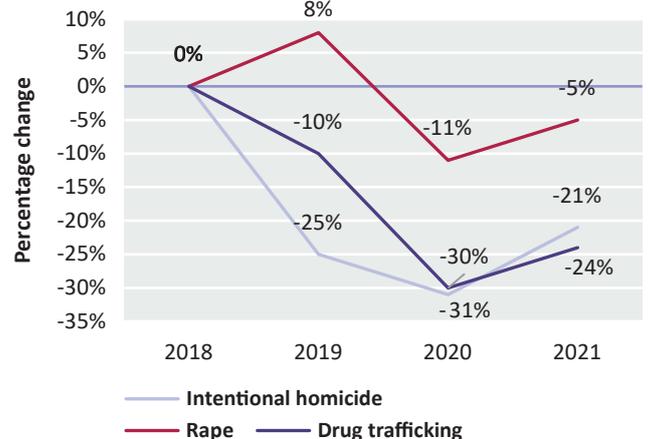
**FIG. 9** Share of countries that reported an increase, decrease or stable number of convictions for intentional homicide from the previous year, 2017–2021



Source: UNODC homicide statistics.

Note: Based on 37 countries with data for the period 2017–2021. Americas (6 countries), Asia (6 countries), Europe (24 countries), Oceania (1 country). Stable means the same number of convictions as in the previous years was reported.

**FIG. 10** Average change in convictions for different crimes in 32 selected countries, 2018–2021



Source: UNODC homicide statistics.

Note: Based on 32 countries with data for the period 2018–2021. Americas (6 countries), Asia (4 countries), Europe (21 countries), Oceania (1 country). Simple average of countries with data.

Although the annual number of convictions for intentional homicide seems to have decreased between 2018 and 2021, the number of intentional homicides and the number of people prosecuted for intentional homicide has remained stable or even increased. This could mean there was a backlog of pre-trial detainees for intentional homicide in the small group of countries with such data.<sup>19</sup> Indeed, the number of unsentenced prisoners held for all types of crime increased between 2019 and 2021, while the total number of prisoners decreased over the same time period.<sup>20</sup> As highlighted by Sustainable Development Goal target 16.3, which is focused on promoting the rule of law and ensuring equal access to justice for all, the number of pre-trial (“unsentenced”) detainees needs to be limited if unnecessary detentions are to be avoided.

## Prisoners held for intentional homicide

If convicted, intentional homicide offenders serve their sentence in prison. Roughly 11 per cent of the prison population of 91 countries with data were being held for intentional homicide in 2021. Given that there were more than 11 million people in prison worldwide in 2021,<sup>21</sup> this means that more than 1 million prisoners could have been serving time for intentional homicide in 2021, a number larger than the population of 37 different United Nations Member States. Even if slightly lower, this still represents a significant number of people requiring long-term prison facilities and, depending on their sentence, reintegration into society.

The number of prisoners held for homicide per 100,000 population is related to the number of homicide convictions per 100,000 population (figure 1), with countries in the Americas with a high conviction rate also having a large number of detainees in prison for homicide. In 91 countries with data, 40 of them in Europe, roughly 26 people per 100,000 population were in prison for intentional homicide in 2021, although this varied significantly across regions.

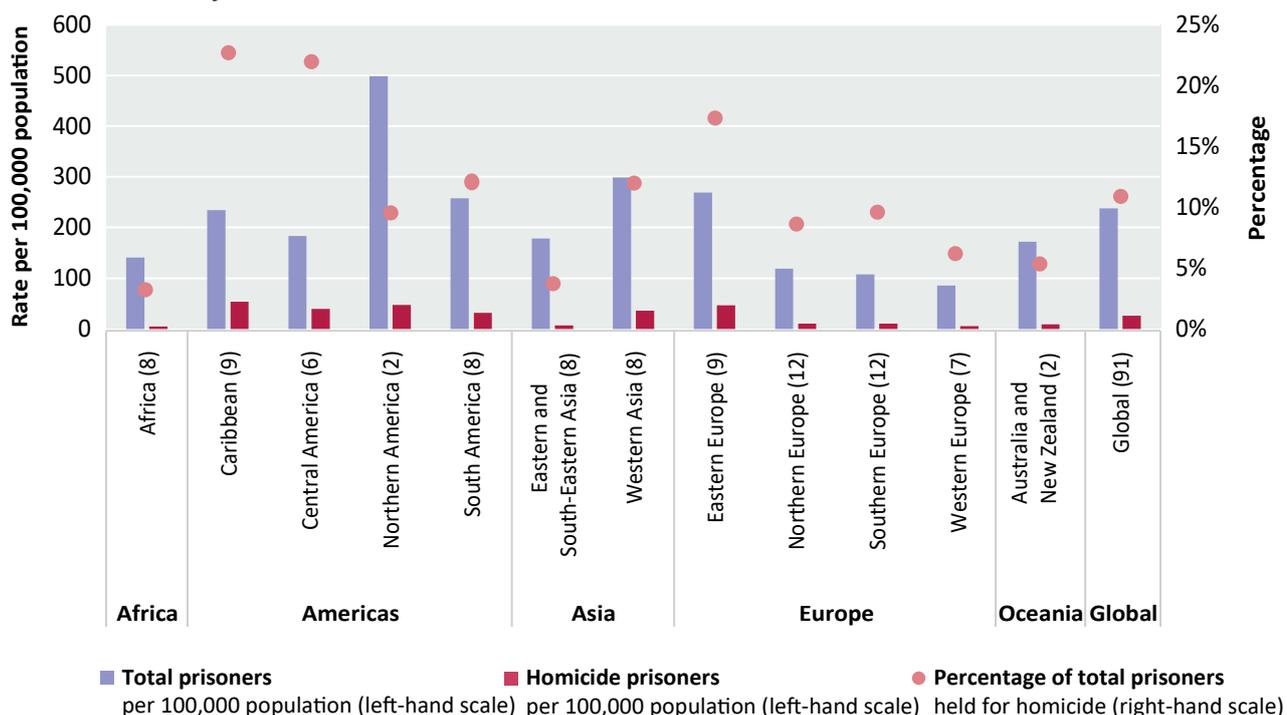
In the Americas in 2021, in the nine countries in the Caribbean with data, 53 people per 100,000 population were

in prison for intentional homicide, more than twice the global rate, while in Central America the rate was 39 per 100,000 population; in both regions, more than 20 per cent of detainees were in prison for intentional homicide. In Northern America, 47 people per 100,000 population were in prison for homicide, surpassing the global average, but since Northern America also had the highest total number of prisoners per 100,000 population, at almost 500, prisoners held for intentional homicide represented less than 10 per cent of the total prison population.

In Europe, there was a marked difference between countries in Eastern Europe and in other subregions, with both the total number of prisoners and of prisoners held for homicide per 100,000 population in 2021 being higher in countries in Eastern Europe, particularly in the case of those held for homicide. Consequently, the percentage of prisoners held for homicide in the total prison population in Eastern European countries was 17 per cent, as opposed to 10 per cent or under in countries in the other European subregions.

In Oceania, Australia and New Zealand had a similar rate of prisoners held for homicide as Northern, Southern and Western Europe, but a higher total rate of prisoners, meaning that, at 5 per cent, Australia and New Zealand had a smaller share of prisoners held for homicide than countries in Europe in 2021.

**FIG. 11** Rate of prisoners detained per 100,000 population, rate of prisoners detained for homicide per 100,000 population and percentage of prisoners convicted of homicide, as a percentage of total prisoners, in selected regions, 2021 or latest year available



Source: UNODC homicide statistics.

Note: Regional and global figures are averages of countries with data weighted by population. Number of countries in brackets.

Finally, based on data from eight countries in Western Asia, at 36 per 100,000 population, the rate of prisoners held for homicide in that subregion was higher than the global average. However, the total rate of prisoners held per 100,000 population was only slightly higher than the global rate, resulting in a share of 12 per cent of all prisoners being held for homicide. The lack of data in other subregions in Asia makes it difficult to draw further conclusions in the region; the same can be said for Africa.

### Criminal justice personnel

A well-funded criminal justice system is crucial for combating crime and violence, and its most valuable asset is its personnel. The exact roles of criminal justice personnel depend on the legal system and the cultural norms and practices of each country. The structure and functions of criminal justice systems can differ from country to country, as can the roles of police officers, prosecutors, judges and prison officers. Disparities between countries in the per capita count of such personnel may be explained by the different scope of their work within their national criminal justice system.

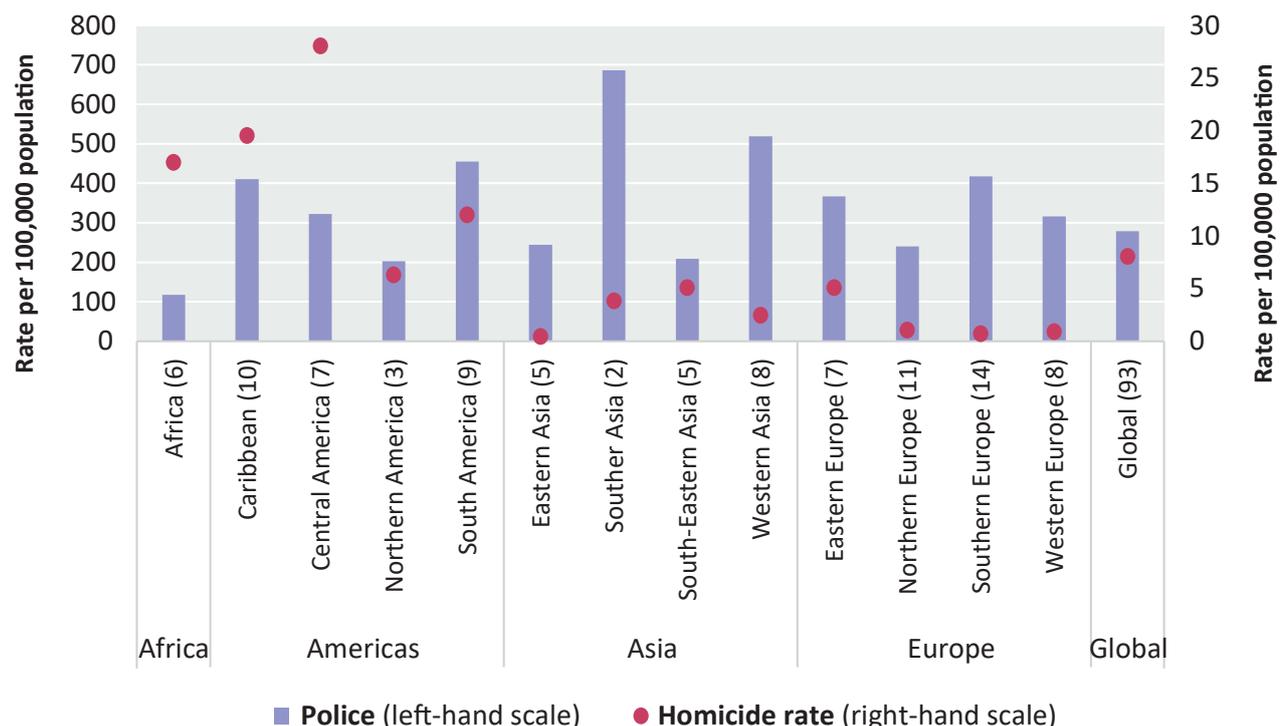
When looking at criminal justice systems in the different regions, identifying any clear relationship between the number of criminal justice personnel and the homicide

rate is difficult. For example, although the rate of police personnel per 100,000 population in countries in the Caribbean, Central America and South America is similar to that in countries in other regions, the homicide rate is significantly higher than in countries in other regions. By contrast, in countries in Northern Europe with fewer police personnel per 100,000 population than in countries in most of the other regions, the homicide rate is lower than in countries in most other regions (figure 12).

Intentional homicide is the most violent of crimes and is much more likely to be reported to the police than other crimes. As such, intentional homicide serves as a useful indicator of the overall level of violence in a country. Countries in the Caribbean, Central America and South America with a high level of homicidal violence primarily driven by the presence of organized crime and gangs do not have a much higher rate of police personnel than elsewhere.<sup>22</sup> Consequently, the number of homicide cases per police officer is larger in those regions than in the rest of the world. Since homicides can be used as a proxy for the overall level of violence in a region, this may indicate that law enforcement has a heavier workload in the Caribbean, Central America and South America than in other parts of the world.

In general, the police is the criminal justice system institution with the smallest share of female personnel. Women accounted for just 17 per cent of police personnel in the 84

**FIG. 12** Rates of police personnel and homicide per 100,000 population in selected regions, 2021 or latest available year

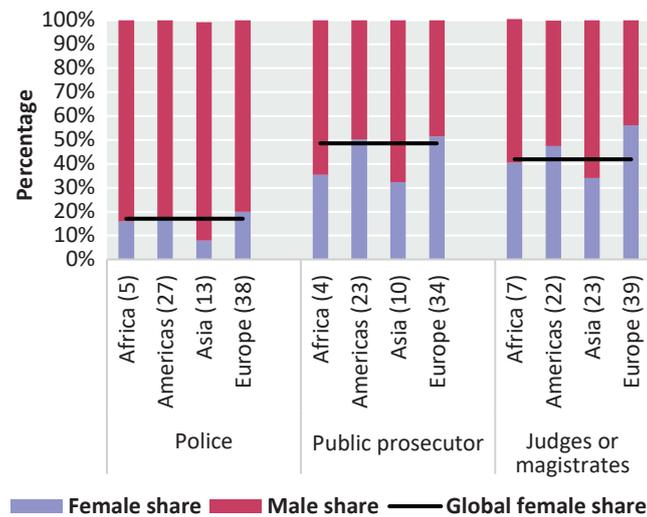


Source: UNODC homicide statistics.

Note: Regional and global figures are averages of countries with data weighted by population. Number of countries in brackets.

countries with data in 2021 (figure 13), the share being particularly small in the 13 countries in Asia that reported data, where women made up just 8 per cent of police personnel.

**FIG. 13** Average share of women in the criminal justice system in selected regions, 2021 or latest year since 2015



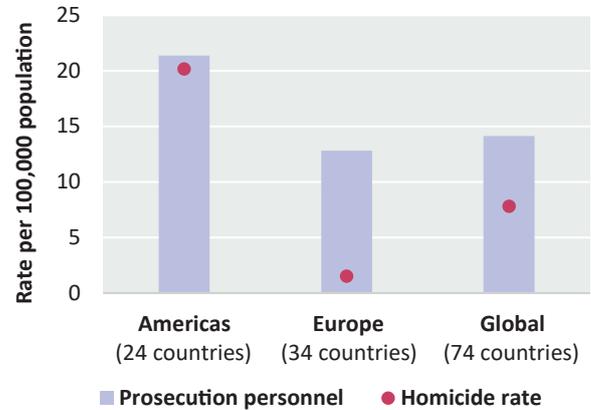
Source: UNODC homicide statistics.

Note: Regional and global shares are based on unweighted average shares in countries with data. The global female shares of police and judges or magistrates include one country from Oceania. Number of countries in brackets.

The rate of prosecution personnel per capita was higher in the 23 countries in the Americas with data in 2021 than in the other countries with data (figure 14). As noted earlier (figure 7), the number of people prosecuted for intentional homicide is significantly higher in countries with data in the Americas than in the countries with data in other regions, partially reflecting the higher level of homicidal violence in the Americas. This could also mean that prosecution personnel have a heavier workload in the Americas than in other regions, and thus less time to build a case and bring suspects to court, although the scope of the remit of prosecution personnel depends on countries<sup>23</sup> and this may explain some of the differences between regions. Women make up roughly half of prosecution personnel in both the Americas and Europe, but account for a smaller share in countries with data in other regions, where they make up around one third of prosecution personnel stands (see figure 13).

With 19 judges or magistrates per 100,000 population in 2021, the rate of judges per 100,000 was higher in Europe than in other regions, although it had dropped since 2008. By contrast, in the 23 countries in the Americas with data, the number of judges or magistrates per 100,000 population was just 3.5, despite the higher crime rates in those countries. Across the 87 countries with available data, including 40 in Europe, the number of judges per 100,000 population decreased from 12.4 in 2008 to 9.3 in 2021, which can be explained in part by population growth over the timeframe.

**FIG. 14** Rates of prosecution personnel and homicide per 100,000 population in selected regions, 2021 or latest year since 2015



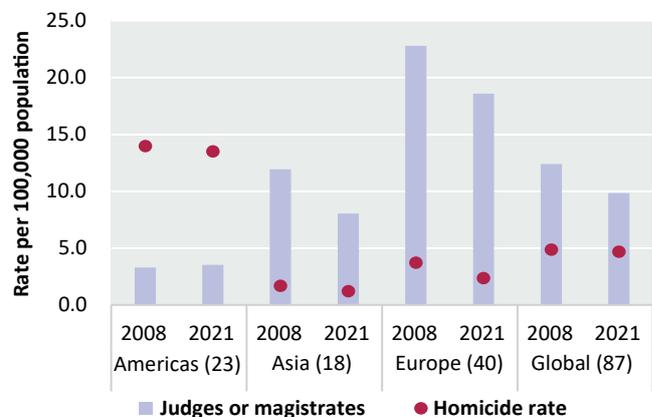
Source: UNODC homicide statistics.

Note: Regional and global figures are aggregates of countries with data. Global figure includes 5 countries in Africa and 11 in Asia. Homicide rates are different from other figures due to the different sample of countries.

This means that, the number of judges or magistrates in the 87 countries with data decreased from roughly 400,000 in 2008 to 320,000 in 2021, while the number of homicides decreased only slightly in the same countries.

A large part of the decline in the number of judges can be explained by a decline in China, which carried out a reform that clarified the role of judges and other administrators and officials during that period and saw its number of judges decline by 70,000. The share of women among professional judges and magistrates was about 40 per cent in the 92 countries with data at the global level. Similar to the case of police and prosecution personnel, the smallest share of women was in the countries with data in Asia, while the largest share was in those in Europe (see figure 13).

**FIG. 15** Judges or magistrates per 100,000 population in selected regions in 2008 and 2021



Source: UNODC homicide statistics.

Note: Regional and global figures are averages of countries with data weighted by population. Global figure includes five countries in Africa and two in Oceania. The column 2008 refers to 2008 or the earliest year between 2009 and 2014, and the column 2021 refers to 2021 or the latest year between 2015 and 2020. Number of countries included in brackets. Homicide rates are different from other figures due to the different sample of countries.

In summary, the data highlight that there is a smaller number of criminal justice personnel in the Americas than in other regions relative to the level of homicidal violence. Furthermore, it is impossible to discern a clear relationship between the quantity of criminal justice personnel and the homicide rate across regions. Homicide rates are influenced by a complex

interplay of factors including socioeconomic conditions, cultural dynamics, the presence of drug production and trafficking and other factors. Therefore, analysis of the effectiveness of the criminal justice system goes beyond simply considering the number of personnel and available resources.

## Homicide: a mental health perspective

For decades, research has indicated that mental health challenges, including childhood deprivation and neglect, abuse, intellectual disability, cognitive impairment and mental illness, can affect an individual's propensity to commit violent crime, including homicide.<sup>24, 25</sup> There is also evidence that adverse childhood experiences such as sexual, physical and psychological abuse significantly increase the likelihood of an individual developing mental illnesses in adulthood and the risk of committing violent crime.<sup>26</sup> Based on this line of thought, the "criminal careers perspective" seeks to explain the causes of criminal behaviour, in particular sequential offending committed over a long period of time.<sup>27</sup> Early antisocial behaviour, poor social skills for interacting in the community, a low level of education, early onset of offending and growing up in an environment with poor parental child-rearing practices are considered to be predictors of participation in offending.<sup>28</sup> This suggests there is an association between early-life trauma, an individual's propensity to develop mental health issues in adulthood and the risk of engaging in violent criminal behaviour. These pathways can play out with grim predictability; for instance, research has shown that individuals found guilty of sexual abuse are likely to have been victims of sexual abuse as children.<sup>29</sup>

Continued global disparities in income and between social groups hinder equitable access to mental health resources.<sup>30</sup> According to a study conducted in the United States focusing on individuals aged 60 and above, socially disadvantaged groups, including ethnic and racial minorities and low-income patients, tend to utilize mental health services less frequently than others.<sup>31</sup> The COVID-19 pandemic exacerbated these challenges, while coinciding with an escalation of mental health challenges, including loneliness and alienation, depression and self-harm. At the same time, there was a sharp increase in incidents of interpersonal violence, including intimate partner violence.<sup>32</sup>

Given this context, the criminal justice system needs to adapt if it is to provide more effective support for individuals facing mental health issues in order to reduce the risk of homicide and better equip those facing such adversity to navigate the legal system. Recent research conducted in India and elsewhere can provide valuable insights into this challenge.

### Mental health and violent crime: the cycle of marginalization

Among the most well-studied determinants of the commission of violent crime are mental illness,<sup>33</sup> poverty<sup>34</sup> and inequality.<sup>35</sup> Mental illness is not only a risk factor for committing violent crime, however, as patients suffering from mental illness may also be more likely to fall victim to homicide than the general population, as suggested by a study conducted in England

and Wales, United Kingdom of Great Britain and Northern Ireland, between 2003 and 2005.<sup>36</sup>

The link between violent crime and mental health has been well-documented in different regions. Childhood exposure to stress and trauma can directly affect healthy brain development, resulting in behavioural issues during adolescence and aggressive behaviour during adulthood, weakened social attachment and increased emotional reactivity.<sup>37</sup> Adverse childhood experiences are also associated with early initiation of substance abuse, lower levels of educational achievement and poor participation in the workforce, thereby escalating the risk of violence.<sup>38</sup>

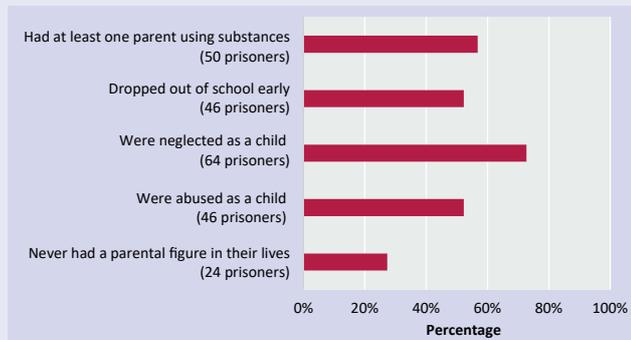
A recent study in India indicated that the intersections between poverty, social exclusion and mental illness are key to understanding the pathways to violent crime, including homicide. During the period 2016–2018, Project 39A, a criminal justice programme at the National Law University of Delhi, India, conducted a study based on interviews with prisoners on death row in the country for charges related to homicide, among other crimes.<sup>39</sup> The 88 interviewees represented one fifth of the prisoners on death row in India.<sup>40</sup> In addition, the interviewers conducted an assessment using psychometric tools and clinical interviews to estimate the extent of intellectual disability and mental health concerns among the prisoners. The three most striking findings of the study concerning people convicted of violent crime were: (a) the near-ubiquity of deprivation, abuse and other negative life experiences in the prisoners' backgrounds, (b) widespread intellectual disability and cognitive impairment among the prisoners, much of it originating in childhood and most of it unaddressed during their encounters with the legal system, and (c) the high rate of psychiatric disorders among the interviewees.

According to official statistics, mentally ill prisoners in India accounted for around 1.7 per cent of the total prison population, amounting to some 9,000 mentally ill inmates out of the roughly 550,000 inmates overall in the country in 2021.<sup>41</sup> This seems a small share, but there is lack of information regarding the process and timing of mental health diagnoses and it is not clear whether mental health-care services are available in all prisons in India.

Numerous studies have demonstrated that children from socioeconomically disadvantaged communities face a higher risk of violent behaviour later in life than others.<sup>42</sup> The findings from the interviews conducted in the Project 39A study appear to confirm this hypothesis: 24 of the 88 prisoners had never had a parental figure in their lives; 46 had been abused as children; 64 had been neglected; 46 had to drop out of school early; and 50 had at least one parent who had used substances (figure below).

## Homicide: a mental health perspective

### Proportion of prisoners with selected childhood issues interviewed as part of Project 39A, India



Source: Project 39A Study. Note: Percentages out of 88 prisoners.

Nine of the 83 prisoners (roughly 11 per cent) who consented to having their IQ assessed in the Project 39A study were diagnosed with intellectual disabilities, 63 prisoners had low intellectual functioning, 23 had borderline deficits in intellectual functioning, 32 had mild deficits and 13 had moderate deficits. Borderline/low intellectual functioning can mean that, without support, an individual may face barriers to reasoning, judgment formation, abstract thinking and decision-making, disabilities often seen as poor choices or bad or criminal behaviour, as observed in the Project 39A study.

Some 51 of the 82, prisoners for whom further clinical inquiry was undertaken for the purpose of diagnosis of mental health issues in the Project 39A study were diagnosed with at least one mental illness. This rate is far higher than that found in the overall Indian population, according to one of the lead experts involved in the study. The main psychiatric illnesses found were major depressive disorder (30 prisoners), generalized anxiety disorder (19 prisoners) and substance use disorder (18 prisoners).

Elsewhere, a study focusing on London, United Kingdom, has found that mental illness is more likely to be a key factor in homicide (29 of 50 cases) than the involvement of drugs (26) or gang-related factors (14).<sup>43</sup> The deterioration of mental health conditions plays a crucial role in the escalation of violence between the victim and suspect, according to this research. This includes “suspects missing scheduled check-up appointments with their mental health support team, reaching out for additional support but not getting access to it in time, or deciding to change their medication schedule without advice from a health professional”.<sup>44</sup> The study also found that specific mental health conditions such as acute polymorphic disorder, shared psychosis and paranoid schizophrenia posed a greater risk of homicide.

Moreover, a data analysis of 1,445 participants in the United States National Institute of Mental Health Clinical Antipsychotic Trials of Intervention Effectiveness Study in the mid-2000s, found that people with schizophrenia were twice as likely to commit violent acts if they had a history of childhood conduct problems (28 per cent) than if they did not (14 per cent).<sup>45</sup>

### Mental health: a growing crisis

These findings are particularly significant in the context of a growing mental health crisis globally. Between 1990 and 2019,

the global number of disability-adjusted life years (DALYs) attributable to mental disorders increased from 80.8 million to 125.3 million, and the proportion of DALYs attributed to mental disorders increased globally from 3.1 per cent to 4.9 per cent.<sup>46</sup> In recognition of the increase in mental disorders reported in the 2013 Global Burden of Disease Report, mental health was incorporated into the United Nations Sustainable Development Goals.

Recent events may have exacerbated the existing global mental health concerns. The COVID-19 pandemic had a multidimensional impact on people’s wellbeing, affecting their health, personal and social interactions, work life, finances and more, which has contributed a deterioration in mental health worldwide. In the initial year of the COVID-19 pandemic alone, the global prevalence of anxiety and depression surged by 25 per cent.<sup>47</sup> Stress, anxiety, depression, insomnia and anger are just some of the significant health issues that have been reported in studies.<sup>48</sup>

### Criminal justice responses and access to mental health

Examining the intersection between mental health and the criminal justice system and evaluating how the system addresses individuals facing mental health challenges can provide valuable insights into potential pathways to ensuring a fair and effective response to complex cases. The Project 39A study of death row prisoners in India highlighted the importance of democratizing access to mental health, while looking at the criminal and judicial systems through a mental health lens. Both intellectual disability and low intellectual functioning render individuals without adequate support vulnerable to harm within the criminal justice system. People with intellectual disability have a heightened risk of giving a false confession, especially when in court, where they are faced with challenging language and themes that may be inaccessible to them.

These considerations have broader implications as similar patterns have been observed worldwide. In line with the Sustainable Development Goals, universal access to mental health resources could have a far-reaching impact on the commission of violent crime, including homicide. However, addressing this issue requires careful consideration of the public stigma surrounding mental health, which may deter individuals from seeking help even when services are available.

Certain studies have indicated that addressing and treating mental health can reduce criminal activity. In the United States, an increase in the number of treatment facilities for drug use disorders has been associated with a reduction both in violent and financially motivated crimes. Similarly, the expansion of Medicaid healthcare coverage has been linked to a decrease in violent behaviour.<sup>49</sup> In Liberia, therapy has demonstrated its effectiveness in fostering greater patience and future-oriented behaviour among men involved in “low-skill” or illicit jobs, many of whom were former members of armed groups, which contributed to a decrease in crime rates among them.<sup>50</sup>

While poverty, deprivation, abuse and mental illness are considered mitigating factors in the justice system, the pathways for individuals navigating the system to communicate their experiences to criminal justice officials can often be poorly formed, leading to adverse consequences for these individuals. Adopting a universal mental health perspective could help to better safeguard their rights and due process.

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